

walls) as they are defined in the prior art. Maestro clearly describes an arch shape cross section chamber 10 which has a planar wall 44. See Col. 1, lines 26-50.

An artisan would not understand an assembly of a chamber and a Maestro chamber with end wall, when attached to another chamber, as comprising one chamber with a two-piece end cap. In the art, that would be three elements: two chambers with a flat end cap having large slots and no pipe. If examiner maintains such position, he is asked to state what supports his concept in contradiction of the prevalent characterization in the art about what is a chamber and what is an end cap/plate/wall.

Maestro teaches, toward side entry portals in a chamber, and specifically teaches away from any use with such of an end wall (55) with a pipe port. Col. 7, line 21-32.

7. In the claim 35 and those dependent therefrom, there are at least three buttresses which project outwardly from the convex exterior of the shell of the end cap. The examiner previously cited the combination of Maestro two-buttress chamber in combination with the flat end plate of Nichols (which has an opening for a pipe), as making obvious a applicants' three buttress invention.

a. The combination would not be the invention, since the Nichols plate has no buttress. The end plate of Nichols has only a half-hole for a pipe. Since the end plate of Nichols (or Maestro or Gray) runs vertically, there is no need, teaching nor suggestion to have a buttress.

b. The rejection is based on hindsight. Where is the suggestion in the prior art of the need or motivation to add another port to the end wall of the Maestro chamber, so there are three ports? Maestro teaches away, toward having opposing side entry portals into the chamber, so water can hit the chamber arch shape walls (Col. 3, lines 51-54), and having no end-entry portal -- which would not accomplish his objects. See Col. 7, line 20-32. Maestro teaches only having a flat end plate 44 with large slot like perforations 54.

8. Examiner has cited Maestro portal features 38, 39 which are on the sidewall of a chamber 10. The portal 38 of Maestro is not a buttress which projects outwardly from the surface, as claimed by applicants, and as the term buttress is to be understood in light of applicants' specification. The Maestro portal is a recess in the sidewall of the chamber. See Fig. 5. This compares with the applicants' claimed buttresses which project outwardly from the shell of the end cap.

The Maestro element 38/39 does not run down to the base flange of the chamber, and there is no suggestion to do so. There is no Maestro feature which is distinct from the wall of the chamber which can be fairly characterized as a buttress.

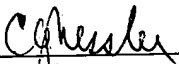
9. Maestro does show a horizontal step or saddle for a pipe, but does not show a buttress having a nearly vertical stepped face where a step in the face forms the saddle, as now claimed. At best, Maestro shows a saddle which is part of the wall of the chamber. Maestro does not show a saddle with a sub-saddle.

10. Maestro in combination with Gray is cited as rendering the invention obvious. The rejection cites Gray Col. 5 text which refers to Fig. 9, which shows a portal in the sidewall of a chamber. Gray also shows only a flat end plate 40 and plain pipe-hole. That is not teaching of what to do with an end cap, nor is it a buttress, for reasons stated above relating to Maestro. And even if the Gray structure was conceived as an end cap, it would not be applicants' claimed invention.

11. The rejection further cites Nichols '488 in combination with Maestro. Again, Nichols '488 does not suggest the invention, but only teaches a plain hole in a planar end plate.

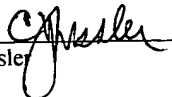
12. The examiner previously indicated that certain claims could be allowable if independently re-written. Therefore, applicants believe that disposition should be applied to claims 40, 41, 49, 50, 51 and 52. Of course, applicants believe that all the claims should be allowed, because of the subject matter, or in the case of certain dependent claims, e.g., claim 48, because they are preferred embodiments which obtain novelty from the parent claim. Reconsideration and allowance are requested.

Respectfully submitted,  
JAMES BURNES ET AL.

By   
His Attorney

Charles G. Nessler  
Box H  
Chester, CT 06412  
(860) 526 9149 Fax (860) 526 9149 email: cn@cnessler.com

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in  
an envelope addressed to Commissioner of Patents, Box  
1450, Alexandria VA 22313 on June 3, 2005

  
C. G. Nessler